

SENATE JOURNAL
SECOND DAY
MORNING SESSION
January 22, 2008

The Senate was called to order at 10:30 a.m., with President John Valentine presiding.

Prayer – Senator Allen Christensen

Pledge of Allegiance – Senator Mark Madsen

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 21, 2008

The House passed **H.B. 13, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS**, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 16, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES**, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 13** and **H.B. 16** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 43, Administrative Rules Reauthorization (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 71, School District Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 72, Justice Court Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 144, Parameters on Governor's Ability to Enter Agreements Binding the State (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 145, State Family Day Holiday (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 146, Amendment to Uniform Anatomical Gift Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 147, Candidate Filing Requirements (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 148, Enforcement of Front License Plate Display Requirement Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution Amending Legislative Apportionment (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Resolution Urging United States Withdrawal from Security and Prosperity Partnership of North America (F. Fife), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 10, SEARCH WARRANT PROCEDURE AMENDMENTS, was read the second time. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

1. Page 2, Line 36:
After "shall" insert ", as a condition of parole."
2. Page 2, Line 58 and 59:
After "parole" delete "for an offense committed"

Senator Greiner's motion to amend passed on a voice vote. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Romero

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S.B. 11, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Killpack

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S.B. 12, ELECTION LAW MODIFICATIONS, was read the second time. Senator Knudson explained the bill. Senators Bell and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Killpack Peterson

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S.B. 13, CANDIDATE RESIDENCY REQUIREMENTS, was read the second time. Senator Knudson explained the bill.

On motion of Senator Knudson, the following substitute bill replaced the original bill:

1st Sub. S.B. 13 Candidate Residency Requirements (Peter C. Knudson)

Senators Hillyard and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Buttars	Hickman	Hillyard	Killpack
Peterson			

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S.B. 15, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the second time.

On motion of Senator Walker, the bill was circled.

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S.B. 16, EXONERATION AND INNOCENCE ASSISTANCE, was read the second time. Senator Bell explained the bill. Senators Hillyard, Hickman, McCoy, and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hickman	Stowell
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S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY–MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, was read the second time.

On motion of Senator Davis, the bill was circled.

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S.B. 18, PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS, was read the second time. Senator Greiner explained the bill. Senators Walker, Valentine, and Bramble commented. Senator Greiner declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Goodfellow	Jones
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S.B. 19, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION, was read the second time. Senator Walker explained the bill.

Senators Hickman, Bramble, Mayne, and Buttars commented. Senators Mayne and Greiner declared conflicts of interest. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Jones

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 23, 2008.

JOINT CONVENTION

President John Valentine called the Joint Convention to order at 6:30 p.m. in the Chamber of the Utah House of Representatives and recognized Greg Curtis, Speaker of the House.

President Valentine announced that a quorum of the House of Representatives and the Senate was present.

President Valentine appointed a Joint Committee comprised of Senators Curtis Bramble, Dan Eastman and Mike Dmitrich, and Representatives David Clark, Gordon Snow, and Brad King to notify Governor Jon M. Huntsman, Jr., that the 2008 General Session of the Fifty–Seventh Legislature is in Joint Convention and ready to hear his State–of–the–State address.

President Valentine acknowledged special guests and elected and appointed officials in attendance at the Joint Convention.

Senator Curtis Bramble made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Huntsman’s State–of–the–State address.

The Joint Committee escorted Governor Huntsman to the House rostrum.

**STATE-OF-THE-STATE ADDRESS
BY GOVERNOR HUNTSMAN**

“ASPIRE TO REACH HIGHER”

Lt. Governor Herbert; President Valentine; Speaker Curtis; Members of the Legislature, Supreme Court and Cabinet; My wife and best friend, our First Lady; And all Utahns.

To say that tonight is an historic occasion is an understatement. To be here in this resplendent chamber for the first time, is awe-inspiring!

We are here as the most economically competitive and dynamic state in the nation. We enjoy some of the most pristine and beautiful land our country offers. It is deeply humbling to consider our fortunate circumstances amid national uncertainty.

I am grateful for each one of you, the citizens of this state, for allowing me to serve as your Governor. Thank you for your faith, trust, and encouragement.

The activity of 50,000 visitors, streaming through this magnificent building since its opening has been thrilling. I can't begin to express how motivating it has been to hear student choirs sing daily renditions of patriotic songs. Reverberating through the rotunda and then through my mind. May you always feel welcome here.

This evening we return to this elegant Capitol our forbearers constructed more than ninety years ago to conduct the people's business. Visits by prime ministers and presidents, protestors and petitioners and the echoes of policy debates over the generations serve to reaffirm our core values that were famously enshrined by President Roosevelt in 1941; freedom of speech, freedom of religion, freedom from want and freedom from fear.

This is a defining time in Utah. We are soaring to ever-greater heights. So let's remind ourselves why we stand at the threshold of these extraordinary times.

We are young and industrious. As the youngest state in the nation, we have a vibrancy that cannot be matched. I am amazed at the growth we are experiencing, as is my good friend Mayor Tom Hirschi of Hurricane where the population has tripled in the last 15 years. As the third fastest growing state in the country, we are adding an astonishing 10 people an hour to our population of 2.7 million.

Our economic prowess has been nationally recognized by many respected organizations. We no longer have one of America's top performing economies. We have the nation's premier economy. And during times of uncertainty we will work even harder to keep it that way.

An example of this? One of the world's largest corporations, Procter and Gamble, chose Box Elder County to build its first domestic manufacturing plant in more than 30 years. Amer Sports, the world's leading winter sports equipment company, moved its headquarters to Ogden, bolstering our competitive outdoor products industry. And now, one of America's fastest growing software companies is our very own, Orem-based, Omniture.

Thanks to the entrepreneurs, innovators and hard-workers of our State, our economy is just beginning to fill the measure of its destiny — as well a State should whose motto is industry.

So, what does all of this mean? Personal income, perhaps the most significant measure of economic performance, rose nearly ten percent last year, outperforming every state in the nation.

Our historically high tax burden is now below the national average. And we have the lowest tax rate since the implementation of the State income tax. Thank you members of the Legislature; you passed tax reform unanimously last session, and this month, it is a reality!

Our transportation progress is on the move. This year we will celebrate the opening of two major transportation corridors: commuter rail from Salt Lake to Pleasant View; and after years of Interstate-15 gridlock, Legacy Parkway will finally be a reality. Next stop: Utah County!

Utah is increasingly becoming a film destination spot, and (according to my daughters) we are really excited that soon Disney will begin filming High School Musical Three in our State. This is just one of dozens of movies being shot here.

At the other end of the spectrum, we have worked like never before, at every level of government, to "End Meth Now" and stop the scourge of methamphetamine impacting our families and communities. We have more resources committed than at any other time to help fight this dangerous, destructive drug. I want my friends at the House of Hope, most of whom are young single mothers recovering from their addictions, to know the full meaning of that word: Hope.

But most important, the great people of our State continue to allow us to reach higher. People like two heroes who are with us tonight.

During World War II, while under fire on Iwo Jima, he displayed a level of courage which is still legendary today. Ladies and gentleman, please join me in saluting our State's only surviving Congressional Medal of Honor recipient: United States Marine George Wahlen.

Some have said that George's generation is America's greatest. Well, I'm here to tell you a great generation is standing right before us. I've witnessed their bravery, in both Iraq and Afghanistan, where thousands of Utahns have served.

Another hero with us tonight completed 59 combat missions in Iraq, during which he was hit six times, leaving him legally blind and deaf. Please join me in recognizing Utah Army National Guardsman, Sgt. Gordon Ewell.

These generations are the greatest because they put service before self, an enduring principle for all of us. As a State, we need to ensure our veterans receive the care they have earned. It is time to build the Ogden Veterans Nursing Home.

The celebration of these exhilarating times must be matched with adequate preparation for the future. As I travel to the far corners of our State, I can feel the desire to reach higher. I sense an aspiration to perform beyond the ordinary. There is hopefulness in the air – it is our most powerful weapon as we anticipate our future.

We aren't an ordinary State, nor do we lack a sense of destiny, and our journey over the next few years will determine just how extraordinary we are. The higher ground we seek will require something from all of us. This begins by recognizing that our world is changing, so too are our needs.

For example, while in Ephraim, having lunch with my son at the Malt Shop, I was approached by a dairy farmer. Thinking maybe he wanted to discuss price subsidies, unfair trade competition or alfalfa prices, I was surprised when his concern was healthcare and how he was going to find health insurance for his employees. I asked him what he was going to do. He said he would do nothing because he had no affordable alternatives.

Later, when riding a bike down Slick Rock in Moab, I had public lands policy on my mind. But from the locals I heard about the need for more qualified and better paid teachers.

Again, recently at Cache County's 150th anniversary, I expected someone to address agricultural issues. Instead, I learned about the need for improved air quality.

Historically, Utahns have always had the desire to reach higher. This great Capitol, dedicated in 1916, stands as a tribute to our early aspirations.

Our ability to reach higher is perfectly illustrated by one story of success. The desire to prevail brought to Utah one of today's finest minds in science and medicine.

He was 4 years old when his mother was incarcerated during World War II, leaving him to wander the streets of Italy. After the War ended, and 18 months of searching, his mother found him in a hospital on his ninth birthday.

Finally reunited, they soon immigrated to the United States. He went on to pursue his education and completed his doctorate at Harvard University. He later joined the faculty at the University of Utah. Now he is known around the world for his genetic research. His discoveries will help end suffering and extend life.

Nothing represents our State better than our own Nobel Prize winner. So I say Bravo, and congratulazioni, to Dr. Mario Capecchi.

But there is a troubling inconsistency emerging here that we should all be mindful of. On one hand, we are one of the nation's most advanced states in medical sciences. On the other hand, we have far too many Utahns who cannot afford adequate health care.

It is unacceptable that a young father in Clarkston, Utah who works for a small business and wants to buy insurance for his family is denied coverage because of minor ailments. Should eczema or post-partum depression preclude a family from getting affordable health insurance?

What business or family in Utah hasn't experienced rising health care costs or, even worse, had to forgo treatment for lack of coverage? In Utah there are now more than 300,000 people without insurance. That's one out of every eight of us. And many more fear that losing or changing a job may leave them without health insurance.

In a state that prides itself on practical solutions, this issue is crying out for a fix.

For decades, the majority of Utahns were given health insurance by their employer. That's just the way it was and everyone assumed it would always be that way. But now the trend has reversed itself. Today only 44 percent of companies in Utah provide health insurance, and premium costs have doubled in just eight years.

We need to take this pressing issue into our own hands as citizens. We cannot wait for Washington's one-size-fits-all plan that does not account for Utah's unique challenges and abilities.

Yes, this is a complex issue. If it were easy someone would have done it by now. Fortunately, we live in a State that believes in solutions.

Last year I called on leaders of the business community to actively engage with advocates, health care providers and insurers to craft an approach to this growing crisis. And they responded.

Thanks to their hard work and the dedication of Representative David Clark and Senator Sheldon Killpack, we now have legislation that provides a framework for a major overhaul to our State's health care system.

This is not just health care reform, but Health System Reform. It addresses every part of the system from individual responsibility to health care accessibility. Our approach must be consumer driven, focused on the individual and the family. We need insurance plans that are affordable and portable.

Whether families face childhood diabetes or a broken bone, they need health care to serve them throughout their challenges of life. We have a fractured system that is economically unsustainable.

This is a multi-year process, to be sure, but let us begin today!

When I began this journey as Governor three years ago, I did so with one clear goal: enhancing economic performance so we could dramatically improve the education our kids receive.

Many argue our educational system has not kept pace with the rapidly transforming world in which we live. And they have a valid point.

The successful workforce of the 21st Century must reach beyond the fundamentals of education. We must be more creative, innovative and flexible in adapting to the frequent changes in the labor market. Our approach to education, and life, must be a partnership with family, community and business.

Today, we are continuing a firm commitment to make historic investments in education. But investment must be coupled with new ideas and reform. We must raise standards, be more imaginative, re-evaluate how we test students and be realistic about our 21st Century workforce needs. Our society must aspire to produce true lifelong learners.

Over the past year and a half, I've visited nearly every one of our 40 school districts. From Jordan to San Juan, and from Ogden to Daggett, it was clear to me that we have some of the greatest people who have dedicated their lives to educating our students. Quality education is driven by quality teachers.

Gratefully, my children have benefited from educators like Li Du, who teaches my son's Chinese class at West High School. At Logan High, students are drawn into the world of mathematics by a truly inspiring teacher and cancer survivor, Joyce Smart.

But we are facing a challenge: this year our State was 400 teachers short of our schools' needs, which doubled last year's shortage. This trend is increasingly corrosive. It is time we put educators back on a pedestal. To do this we must improve two things: compensation and capacity.

Since historically our State has lagged in economic strength, we've always used that excuse to explain our inadequate salaries for teachers.

Those days are gone! And there is light at the end of the tunnel.

Thanks to the good work of the legislature, recent years have seen record increases for education. If we continue our current rate of increasing compensation over the next four years, we as a State, for the first time ever, can surpass the national average.

Also, we must increase the number of educators being trained in our colleges. Right now 2,300 teachers graduate annually. In four years we can, and should, have 1,000 more teachers coming out of our colleges every year to teach in our classrooms.

We must bolster our principals with the accountability and responsibility they need to manage their schools. Principals should be given the ability to reward the good teachers and replace the bad ones. They need the tools to assess accurately how students in their schools are faring.

And by the way, our kids are given way too many standardized tests, with little information flowing back. Let's find a way to allow teachers to do what they do best: teach.

It is amazing to me that, in this age of innovation and education, we have students, buildings and teachers sitting idle for three months every year. Based on any business model, this would be unacceptable.

We don't have a good way to provide year-round contracts to our teachers: let's do it by beginning with math and science. We don't have good options for our kids to remediate or accelerate in their studies during the summer months: let's find them. We aren't ensuring that our students are prepared to meet the workforce needs of tomorrow: let's get it done.

The global economy doesn't take summers off, neither should we.

Tonight I have a card like the one I used during my first State of the State speech in Fillmore's territorial capitol. Our goals remain the same: the economy, education, quality of life and improving government. We've gotten a lot done in three years, but there is much left to accomplish.

We must ensure the safety and security of our citizens and make our prisons safer.

We must improve the air we breathe and capitalize on technology to ensure the long-term viability of our abundant natural resources, like coal, oil and natural gas, while developing renewable alternatives.

We must relieve congestion on the west side of the Salt Lake Valley, by securing the land to build Mountain View Corridor.

We can all learn from those who believe their communities can reach higher. I'm reminded of one of our State's greatest champions, the late Senator Ed Mayne. To his wife Karen, thank you for sharing Eddie's life of selfless service with the State of Utah and now continuing the tradition by taking his Senate seat.

Tonight we have with us Wendy Black, the wife of Dale Black, a hero and friend to everyone, who died while trying to rescue the missing Crandall Canyon miners. Wendy, thank you for being here. We love you and promise your husband's sacrifice, and that of all the miners and their families, is not forgotten.

Hard work, geography, and history have dealt us a fortunate hand. Now it is up to "We, the People" to fulfill our destiny. To those listening tonight, I need your help. We need your help. The words I now speak are just words unless we, as a people, get engaged. The two areas in need of our immediate attention are health system reform and education improvements.

Government can help frame solutions, but it is up to each one of us to get results. We need everyone to stand up and take an active role in the issues that affect their lives.

Let us reach higher by doing some of the little things to conserve energy and help improve our air. Use energy efficient lights. Turn off your car when sitting idle. The small things we do now will make a large difference later.

We must reach higher to bring about real reform. To doctors, pharmacists, business leaders and health providers: Health System Reform will never be a reality without everybody's participation. This is not just about mandates or

government intervention. This is about personal responsibility and making an effort to improve our own health by making better decisions.

Parents: let's all reach higher with our kids. Spend more time with them and be a part of their education. Teachers cannot do it alone. We must read with them. Study with them. Or as I did recently with my daughter Gracie, attend Back to School Night. Let's help them realize their full potential.

Young people: reach higher in your aspirations. Beginning tonight consider a career in teaching, engineering or nursing. These fields are critical for the success of our economy. You are the future of this State, and we depend on you.

The power of our State comes from people who are concerned about their government. I draw strength from each of you, and you should be empowered by knowing the citizens are in charge. Government is an individual responsibility. You are the greatest safeguard against depersonalized government and the antidote to apathy. We are truly fortunate to live in the greatest State in America, a land of unparalleled opportunity. But this place we call home can, and should, be even greater. Future generations deserve no less. Preeminence is within our grasp. We must aspire to reach higher.

May God bless America and the great State of Utah!

Goodnight.

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At the conclusion of Governor Huntsman's address, President Valentine thanked the governor and asked that the Joint Committee escort him back to his office.

Representative David Clark made a motion that the complete text of the Governor's State-of-the-State address be spread upon the pages of the Senate and House Journals, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 23, 2008.

PAGE INDEX (DAY 1–2)

H.B. 13 — CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	45
H.B. 16 — MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES (<i>B. Last</i>)	
Read for the first time and referred to the Rules Committee	45
S.B. 1 — STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee	15
S.B. 10 — SEARCH WARRANT PROCEDURE AMENDMENTS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	46
Amendments	46
S.B. 11 — UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	47
S.B. 12 — ELECTION LAW MODIFICATIONS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	47
S.B. 13 — CANDIDATE RESIDENCY REQUIREMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	47
Substituted	48
S.B. 14 — SMOKING BAN IN MOTOR VEHICLE (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee	15
Assigned to standing committee	26
S.B. 15 — DRIVING UNDER THE INFLUENCE AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	48
Circled	48
S.B. 16 — EXONERATION AND INNOCENCE ASSISTANCE (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	48
S.B. 17 — CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	49
Circled	49
S.B. 18 — PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	49
S.B. 19 — ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
Read the second time	49
S.B. 20 — MUNICIPAL GOVERNMENT AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee	15
Placed on calendar	24
S.B. 21 — CAMPAIGN FINANCE DISCLOSURE REVISIONS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	15
Assigned to standing committee	26
S.B. 22 — TIMING OF BALLOT ITEMS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	16
Placed on calendar	24
S.B. 23 — REVISION TO POLLING REQUIREMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	16
Placed on calendar	24
S.B. 24 — RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee	16
Placed on calendar	24

S.B. 25 — MUNICIPAL INCORPORATION AMENDMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Placed on calendar	24
S.B. 26 — FIRE MANAGEMENT AREAS (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Placed on calendar	24
S.B. 27 — TRUSTEES SALE – PROCESS FOR EXCESS PROCEEDS (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Placed on calendar	24
S.B. 28 — APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A UNITARY GROUP (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
S.B. 29 — TRUTH IN TAXATION AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
S.B. 30 — CONSUMER SALES PRACTICE ACT AMENDMENTS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Placed on calendar	24
S.B. 31 — INCOME TAX AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	27
S.B. 32 — LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	26
S.B. 33 — DEPARTMENT OF COMMUNITY AND CULTURE – STATE-OWNED ART INVENTORY (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Placed on calendar	24
S.B. 34 — CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	28
S.B. 35 — DIFFERENTIATED PAY FOR TEACHERS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	16
Assigned to standing committee	25
S.B. 36 — CHARTER AND ONLINE SCHOOLS – PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 37 — HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 38 — TRANSPARENCY IN GOVERNMENT FINANCE (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	28
S.B. 39 — MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 40 — STATE TRADE DATABASE (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Placed on calendar	25
S.B. 41 — EXTENDED SCHOOL YEAR INCENTIVE (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 42 — UTAH COLLEGE OF APPLIED TECHNOLOGY – GOVERNANCE AND OPERATIONS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 43 — ADMINISTRATIVE RULES REAUTHORIZATION (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	45
S.B. 44 — PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Placed on calendar	25
S.B. 45 — ACCOUNTING FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 46 — ANTI-FLOW CONTROL AMENDMENTS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27

S.B. 47 — LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 48 — EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	26
S.B. 49 — NEW SCHOOL DISTRICT AMENDMENTS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	17
S.B. 50 — MEDICAL BENEFITS RECOVERY AMENDMENTS (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	17
Assigned to standing committee	27
S.B. 51 — IMPACT FEES – PUBLIC SAFETY FACILITY (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	27
S.B. 52 — IDENTITY THEFT AMENDMENT (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	27
S.B. 53 — USE OF INITIATIVE AND REFERENDUM PETITION SUBMISSION AMENDMENTS AND ZONING MATTERS (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	26
S.B. 54 — INITIATIVE AND REFERENDUM PETITION SUBMISSION AMENDMENTS (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	26
S.B. 56 — NATUROPATHIC PHYSICIAN AMENDMENTS (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	27
S.B. 57 — FRANCHISE LAW AMENDMENTS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	25
S.B. 58 — WORKERS' COMPENSATION RELATED AMENDMENTS (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	25
S.B. 59 — WILDLIFE AMENDMENTS (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	27
S.B. 60 — REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	25
S.B. 61 — FINANCIAL LITERACY EDUCATION (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	18
Assigned to standing committee	26
S.B. 62 — HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	18
S.B. 63 — ADULT PROTECTIVE SERVICES AMENDMENTS (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	18
S.B. 64 — INCOME TAX – CAPITAL GAIN TRANSACTIONS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	18
S.B. 65 — SOLICITING GANG MEMBERS PROHIBITED (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	18
S.B. 66 — UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	19
S.B. 67 — PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	19
S.B. 68 — WORKERS' COMPENSATION – DEATH BENEFITS (<i>K. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	19
S.B. 69 — UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	19
S.B. 70 — EMOTIONAL SUPPORT ANIMALS (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	19
S.B. 71 — SCHOOL DISTRICT AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	45

S.B. 72 — JUSTICE COURT AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	45
S.B. 94 — BURGLARY OF A RAILROAD CAR (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	27
S.B. 95 — MARKUP ON ALCOHOLIC BEVERAGES (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	25
S.B. 96 — MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	28
S.B. 97 — IMMIGRATION TASK FORCE (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	19
S.B. 98 — LICENSING OF SECURITY SERVICES (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	25
S.B. 99 — AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR PROSTHETIC DEVICES (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	28
S.B. 100 — MOTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS AMENDMENTS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	28
S.B. 101 — UTAH COMPREHENSIVE HEALTH INSURANCE POOL FUNDING (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	19
Assigned to standing committee	27
S.B. 102 — ANIMAL TORTURE OFFENSE (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	19
S.B. 103 — HIGHER EDUCATION ENHANCEMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	26
S.B. 104 — STATE CAPITAL FACILITY BOARD — CREATION AND OVERSIGHT (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	20
S.B. 105 — JUDICIAL PERFORMANCE EVALUATION COMMISSION (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	27
S.B. 106 — JUVENILE CUSTODY MAINTENANCE AMENDMENTS (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	27
S.B. 107 — STATE RETIREMENT BENEFIT ADDITIONS (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	27
S.B. 108 — OFFSET OF WORKERS' COMPENSATION AND SOCIAL SECURITY (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	25
S.B. 109 — POLL WORKER NEUTRALITY (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	20
S.B. 110 — FOREIGN BUSINESS ENTITIES AND TRIBAL LAW (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	25
S.B. 111 — REVISOR'S STATUTE (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Placed on calendar	24
Read the second and third time	36
Transmitted to the House	36
S.B. 112 — LEGISLATIVE SPACE IN THE CAPITOL (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Placed on calendar	24
Read the second and third time	37
Amendments	37
Transmitted to the House	38
S.B. 113 — ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	26
S.B. 114 — NOTARY PUBLIC REVISION (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	27

S.B. 115 — MOTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	28
S.B. 116 — RETIREMENT OFFICE AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	27
S.B. 117 — ANIMAL CRUELTY AMENDMENTS (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.B. 118 — EDUCATION TRANSPORTATION AMENDMENTS (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
S.B. 119 — DEPARTMENT OF CORRECTIONS AMENDMENTS (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	27
S.B. 120 — DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	27
S.B. 121 — ACCESS TO QUALIFIED HEALTH CARE PROVIDERS (<i>D. C. Butters</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	27
S.B. 122 — UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	27
S.B. 123 — FILLING VACANCIES IN THE SENATE (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
S.B. 124 — SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	28
S.B. 125 — HIGH SCHOOL VOTER REGISTRATION (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
S.B. 126 — FILING FEE FOR WRITE-IN CANDIDATES (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
S.B. 127 — UNDERGROUND UTILITIES FACILITIES AMENDMENTS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	28
S.B. 128 — AMENDMENTS TO THE VETERAN'S PROPERTY TAX EXEMPTION (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	28
S.B. 129 — CHANGES TO COUNTY SURVEYOR (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	26
S.B. 130 — UTILITY IMPROVEMENT DISTRICT REVISIONS (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	28
S.B. 131 — WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	25
S.B. 132 — CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	25
S.B. 133 — MEDICAL ASSISTANCE AND MANAGED CARE (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	27
S.B. 134 — RESIDENTIAL MORTGAGE FRAUD ACT (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	25
S.B. 135 — EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	28
S.B. 136 — APPORTIONMENT OF BUSINESS INCOME AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	25

S.B. 137 — MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	28
S.B. 138 — UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 139 — UTAH ANTITRUST ACT AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 140 — EDUCATION ADVISORY COUNCILS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 141 — WATER CONSERVANCY DISTRICT — SELECTION OF BOARD OF TRUSTEES (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 142 — HIGH SCHOOL GRADUATION REQUIREMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 143 — INSURANCE FINANCIAL REQUIREMENTS (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 144 — PARAMETERS ON GOVERNOR'S ABILITY TO ENTER AGREEMENTS BINDING THE STATE (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	46
S.B. 145 — STATE FAMILY DAY HOLIDAY (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee.	46
S.B. 146 — AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	46
S.B. 147 — CANDIDATE FILING REQUIREMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	46
S.B. 148 — ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	46
S.C.R. 1 — RESOLUTION SUPPORTING OBESITY AWARENESS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Placed on calendar	25
S.C.R. 2 — RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	26
S.C.R. 3 — RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	27
S.C.R. 4 — CONCURRENT RESOLUTION RECOGNIZING UTAH'S NOBEL PRIZE WINNER MARIO CAPECCHI (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	23
S.J.R. 1 — RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE ROUTES TO TEACHING (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Placed on calendar	25
S.J.R. 2 — RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Placed on calendar	24
Read the second and third time	38
Transmitted to the House	38
S.J.R. 3 — RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Placed on calendar	25
S.J.R. 4 — JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	26
Placed on Time Certain Calendar	36
S.J.R. 5 — JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	46
S.R. 1 — SENATE RESOLUTION URGING UNITED STATES WITHDRAWAL FROM SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA (<i>F. Fife</i>)	
Read the first time by short title and referred to the Rules Committee.	46